

Cultural Resource Management and Tribal Relationships

Operations Manager PROSPECT Course
14-18 February 2005

Overview

- ◆ Preserve America – Executive Order 13287
- ◆ Corps Heritage Assets
- ◆ Laws governing management of assets
- ◆ Corps resources available in this area
- ◆ Tribal consultation and building relationships
- ◆ Real world issues

Preserve America

Executive Order 13287

*"It is the policy of the Federal Government to provide leadership in preserving America's heritage..." and,
"The Federal Government shall recognize and manage the historic properties in its ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities..."*

USACE Civil Works (Administered) Heritage Assets

- ◆ 55,000 recorded cultural resources (and more every day)
- ◆ 1,200 historic properties listed on the National Register of Historic Places (NRHP)
- ◆ 4,000 properties determined eligible for listing (and more every day)
- ◆ 5 million acres inventoried

Notable USACE Civil Works Heritage Assets

- ◆ Kennewick Man discovery site
- ◆ Bonneville Power Complex
- ◆ CSS Georgia
- ◆ Missouri Trench National Historic Landmark Complex
- ◆ US Snagboat Montgomery

National Historic Preservation Act of 1966

- ◆ Expanded the National Register of Historic Places
- ◆ Advisory Council has opportunity to comment on "Federal Undertakings" (sec 106 consultation)
- ◆ Federal agencies directed to establish and maintain historic preservation programs (sec 110)

Archaeological Resources Protection Act of 1979

- ◆ Prohibits removal of excavated archaeological resources on public land except by permit
- ◆ Agency must survey lands most likely to contain resources and seek to identify all tribes having aboriginal or historic ties to land
- ◆ Tribes must be notified before permit is issued if it may affect land having religious or cultural importance

Native American Graves Protection and Repatriation Act of 1990 (NAGPRA)

- ◆ Protection of Native American graves and funerary items
- ◆ Establishes procedures for disposition of Native American human remains and cultural items discovered prior to enactment
- ◆ Establishes procedures for treatment of “inadvertent discoveries” on Federal and Tribal lands since enactment
- ◆ Establishes procedures for intentional excavation of Native American human remains and cultural items
- ◆ Enforcement

A Community of Practice for Cultural Resource Management

- ◆ Expertise available at most districts in Planning, Operations and Regulatory, as well as Tribal Liaisons
- ◆ Also available at many MSCs
- ◆ At HQ level
 - Directorate of CW – Planning and Policy
 - Deputy Federal Preservation Officer
 - HQUSACE Tribal Liaison
- ◆ Mandatory Center of expertise for the Curation and Management of Archaeological Collections (St Louis)
- ◆ Center of Expertise for the Preservation of Historic Buildings and Structures (Seattle)
- ◆ The Center for Cultural Site Preservation Technology (ERDC)

Tribal Consultation

- ◆ Mandatory for most Federal undertakings that impact of tribes or traditional lands
- ◆ Missouri River Master Operational Manual as an example
- ◆ Much easier when a good local relationship already exists
- ◆ Must be pre-decisional (open to interpretation)
- ◆ Best at local level but assure all levels involved
- ◆ Must get official designation from the tribe of those to consult with (different tribes have different organizational structures)

Real World Issues from an OPM's Perspective

- ◆ Treat tribal leaders with respect (government to government relations)
- ◆ Must be pre-decisional (open to interpretation)
- ◆ Best at local level but assure all levels involved
- ◆ Must get official designation from the tribe of those to consult with (different tribes have different organizational structures)
- ◆ Contracting with tribes when possible can help local relationships
- ◆ Hiring tribal members as students or other positions can also help
- ◆ Others?

Questions?